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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,827	03/09/2000	Tony M. Brewer	10992150-1	2277

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EXAMINER

POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/521,827	Applicant(s) BREWER ET AL.	
	Examiner Melvin H. Pollack	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/15/05 have been fully considered but they are not persuasive. An analysis of the arguments is provided below.
2. The 112 rejection is withdrawn in light of the amendment and remarks.
3. The applicant argues that Rosborough does not expressly disclose generating a data entry... in a destination database,” nor does it expressly disclose “a reservation database at said destination site (P. 9, lines 1 – 17).” The applicant claims that the recording device that tracks the progress (Fig. 1, #20) is separate from both the client and server computers. Examiner notes that the recording device is placed “between a client computer and a server computer (col. 4, line 65 – col. 5, line 1)” and therefore may be included within the system. More importantly, the recording device *receives* all of the packets (col. 5, lines 20-30; col. 6, lines 50-60), and therefore may be considered a destination device.
4. The use of Rosborough as a 103 rejection, albeit not necessary for the independent claims, shows that the combination of the recording monitor and server would be considered obvious to one of ordinary skill in the art, with all three components (Fig. 12, #20, 32, and 36) having been combined in one hardware device. Absent a change in functionality, and given the abundance of art in which servers are directly monitored, such a combination would be considered obvious.
5. In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) (A claim to a fluid transporting vehicle was rejected as obvious over a prior art reference which differed from the prior art in claiming a brake drum integral with a clamping means, whereas the brake disc and

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clamp of the prior art comprise several parts rigidly secured together as a single unit. The court affirmed the rejection holding, among other reasons, "that the use of a one piece construction instead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice." (See MPEP 2144.04: Making Integral).

6. Therefore, the rejection is maintained for the reasons above.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 4, 14-16, and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosborough (5,838,920).

9. For claims 1, 14, 20 and 24, Rosborough teaches a method (abstract) for executing a data operative transaction (col. 1, line 1 – col. 4, line 15) in a network (Fig. 1, #24) having a source site (Fig. 1, 28) and a destination site (Fig. 1, 32), the method comprising the steps of:

- a. Transmitting an initial transaction request message from said source site to said destination site (col. 5, lines 38-65; service request packet);
- b. Receiving said transaction request message at said destination site (Figs. 4-6);
- c. Generating (Fig. 1, #20 and 36; Fig. 2) a data entry (Fig. 6A, #104) related to the progress of said data operative transaction in a destination database (col. 6, lines 30-60; records relating to particular threads and sessions); and

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- d. Preserving said association of said data entry with said data operative transaction in said destination database so long as said data operative transaction is active in said network (col. 7, lines 40-60; data entry is maintained at least until the completion packet is recorded).
10. For claim 2, Rosborough teaches executing said data operative transaction at said destination site, thereby producing transaction results (Fig. 4, service result packet).
11. For claim 4, Rosborough teaches transmitting said transaction results to said source site over said network (col. 5, lines 60-65).
12. For claim 15, Rosborough teaches that the reservation database is a content addressable memory (Figs. 6; inherent, as steps cannot be performed without content addressable memory).
13. For claim 16, Rosborough teaches that the source site comprises a processor (Fig. 12) and the destination site comprises a memory (Fig. 6; inherent as operations cannot be performed without processors and memory).
14. For claims 21-23, Rosborough teaches that said data operative transaction is one of a memory read and a memory write (col. 5, lines 30-45).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 3, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosborough as applied to claims 1, 2, 4 above, and further in view of Chlan et al. (6,385,642).

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17. For claim 3, Rosborough does not expressly disclose that, where a prospective operation will override said transaction results in a memory board, storing said transaction results in said destination database, thereby enabling retransmission of said transaction results if a further reservation request message is received at said destination site. Chlan teaches a method (abstract) of performing data operative transactions in a network (Fig. 1; col. 1, line 1 – col. 3, line 1) in which transaction results are stored in a destination database (Fig. 1, #26; Fig. 2, #208; cache files) that can be updated if results change (Fig. 2, #214). At the time the invention was made, one of ordinary skill in the art would have used Chlan transaction caching in a Rosborough system in order to better manage sessions and resources (col. 2, lines 10-30).

18. For claim 7, Rosborough does not expressly disclose that upon receiving a duplicate transaction request message, identifying the data entry in the destination database established for said data operative transaction, acquiring said transaction results, and retransmitting said acquired transaction results to said source site. Chlan teaches this method (col. 5, lines 10-45). At the time the invention was made, one of ordinary skill in the art would have added this feature to Rosborough in order to better manage sessions and resources (col. 2, lines 10-30).

19. For claim 8, Rosborough does not expressly disclose retrieving said transaction results from said destination database. Chlan teaches this limitation (Fig. 1, #26). At the time the invention was made, one of ordinary skill in the art would have added this feature to Rosborough in order to better manage sessions and resources (col. 2, lines 10-30).

20. For claim 9, Rosborough does not expressly disclose executing said data operative transaction in response to said duplicate transaction request message, thereby producing said transaction results. Chlan teaches this method (col. 5, lines 10-45). At the time the invention

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was made, one of ordinary skill in the art would have added this feature to Rosborough in order to better manage sessions and resources (col. 2, lines 10-30).

21. Claims 5, 6, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosborough as applied to claims 1 and 14 above, and further in view of Lee et al. (5,774,479).

22. For claim 5, Rosborough does not expressly disclose transmitting another transaction request message if no response is received from said destination site at said source site within a source site time-out period. Lee teaches a method (abstract) of monitoring unreliable networks (col. 1, line 1 – col. 2, line 50) in which a redundant request is transmitted if no response is received (col. 3, lines 50-65). At the time the invention was made, one of ordinary skill in the art would have added retransmissions to Rosborough in order to ensure completion of transmissions (col. 1, lines 10-18).

23. For claims 6 and 19, Rosborough does not expressly disclose deleting said initial transaction request message from the network if said transaction request message does not reach said destination site within a request message time-out period, wherein said source site time-out period exceeds said request message time-out period to prevent having two transaction request messages simultaneously in transmission through said network. Lee teaches the deletion of alternate messages (Figs. 4-6). At the time the invention was made, one of ordinary skill in the art would have added Lee's redundant message cancellation method in order to minimize the number of messages transmitted (col. 1, lines 10-25).

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24. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosborough as applied to claims 1, 2, and 4 above, and further in view of Jalili et al. (5,423,042).

25. For claim 10, Rosborough does not expressly disclose receiving said transmitted transaction results at said source site and transmitting, from said source site to said destination site, a release request to delete said data entry associated with said data operative transaction in said destination database. Jalili teaches a method (abstract) of executing data transactions in a client-server network (col. 1, line 1 – col. 3, line 35) in which requests are tracked and performed (col. 3, line 50 – col. 4, line 50) in which a client can request said data removal (col. 8, lines 51-56). At the time the invention was made, one of ordinary skill in the art would have added a Jalili deletion method to Rosborough in order to reallocate and save space (col. 9, lines 5-7).

26. For claim 11, Rosborough does not expressly disclose receiving, at said destination site, said release request to delete said data entry associated with said data operative transaction, and deleting, within said destination database, said data entry associated with said data operative transaction, thereby liberating space in said destination database. Jalili teaches this limitation (col. 8, line 51 – col. 9, line 7). At the time the invention was made, one of ordinary skill in the art would have added a Jalili deletion method to Rosborough in order to reallocate and save space (col. 9, lines 5-7).

27. For claim 12, Rosborough does not expressly disclose transmitting, from said destination site to said source site, a release response message, thereby indicating that said data entry associated with said data operative transaction in said destination database has been deleted. Jalili teaches this limitation (col. 10, lines 40-55). At the time the invention was made, one of

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ordinary skill in the art would have added a Jalili deletion method to Rosborough in order to reallocate and save space (col. 9, lines 5-7).

28. Claims 13, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosborough as applied to claims 1, 14, and 16 above, and further in view of Forman et al. (6,178,449).

29. For claim 13, Rosborough teaches that the source site includes a processor (Fig. 12) but does not expressly disclose that the source site includes an agent device, or delegating said step of transmitting said initial transaction request message to said agent device. Forman teaches a method (abstract) of monitoring client-server transactions (col. 1, line 1 – col. 3, line 35) that utilize client agents for communication with the server (Figs. 3 and 4). At the time the invention was made, one of ordinary skill in the art would have used Forman's agent system in Rosborough in order to more efficiently determine transaction times (col. 4, lines 44-53).

30. For claim 17, Rosborough does not expressly disclose that the source site further comprises a processor agent device for conducting communication with said destination site, thereby enabling said processor to efficiently concentrate on other tasks. Forman teaches this limitation (col. 6, line 54 – col. 7, line 50). At the time the invention was made, one of ordinary skill in the art would have used Forman's agent system in Rosborough in order to more efficiently determine transaction times (col. 4, lines 44-53).

31. For claim 18, Rosborough does not expressly disclose that the source site further comprises a source site database for preserving an identification and a status of said data operative transaction until said transaction is complete. Forman teaches this limitation (Fig. 4,

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#480). At the time the invention was made, one of ordinary skill in the art would have used Forman's agent system in Rosborough in order to more efficiently determine transaction times (col. 4, lines 44-53).

Conclusion

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

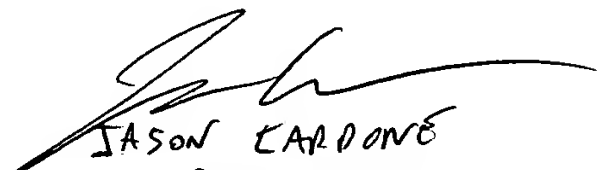
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP

26 October 2005


JASON CARDONE
SPE A2145